

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
FRANCESCO GALLO,

Plaintiff,

-against-

ALITALIA – LINEE AEREE ITALIANE –  
SOCIETA PER AZIONI, PIERANDREA GALLI,  
and GIULIO LIBUTTI,

Defendants.

Case No. 07 CV 06418 (CM)(HP)

**NOTICE OF MOTION TO DISMISS  
THE COMPLAINT**

**PLEASE TAKE NOTICE THAT**, upon the Complaint of plaintiff Francesco Gallo (Exhibit 1 hereto) (“Complaint”) and the Memorandum of Law in Support of Defendants’ Motion to Dismiss, defendants Alitalia Linee Aeree SpA (“Alitalia”), Pierandrea Galli (“Galli”) and Giulio Libutti (“Libutti”)(collectively, “Defendants”), by their attorneys, Vedder, Price, Kaufman & Kammholz, P.C., will move this Court at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, Courtroom 21B, at a date and time to be determined by the Court, for an order pursuant to FRCP 12(b)(6), dismissing the first nine claims and the eleventh claim set forth in the Complaint as against each Defendant, and dismissing the tenth claim (for defamation) as against defendant Galli, for failure to state a claim, and for such other and further relief as the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Judge McMahon’s Individual Practices, opposing papers, if any, must be served on the undersigned no later than fourteen days after receipt of this motion.

Dated: New York, New York  
August 17, 2007

VEDDER, PRICE, KAUFMAN & KAMMHOLZ, P.C.

By: /s/ Alan M. Koral

Alan M. Koral (AK1503)

Charles S. Caranicas (CC 9244)

1633 Broadway – 47<sup>th</sup> Floor  
New York, New York 10019-7513  
(212) 407-7700

Attorneys for Defendants

*Alitalia Linee Aeree Italiane SpA,*  
*Pierandrea Galli and Giulio Libutti*

To: Derek T. Smith, Esq.  
Akin & Smith, LLC  
305 Broadway, Suite 1101  
New York, New York 10007  
Attorney for Plaintiff *Francesco Gallo*